

COUNTY OF SAN DIEGO ADMINISTRATIVE MANUAL

SUBJECT:	DRAFT - HAZARDOUS MATERIALS INVESTIGATIONS SITE ASSESSMENT AND MITIGATION PROCEDURES FOR ALL COUNTY DEPARTMENTS	ITEM NUMBER	0300-05
EFFECTIVE DATE:	FEBRUARY 27, 2004 (REVISED)	PAGE	1 OF 4

Purpose

The purpose of this policy is to establish guidelines and procedures to be followed prior to acquisition of property to determine whether hazardous materials are present.

Background

On many County projects it is necessary for the County to acquire a fee interest, or easement of real property. If the property to be acquired contains hazardous materials, the County may be subject to substantial financial liability for mitigation and cleanup.

The discovery of hazardous materials on a project late in the design phase or during construction may completely change the scope of the proposed work and established budget.

In order to effectively budget and allocate limited resources for County projects, it is important to establish the probability of finding hazardous materials within or near the boundaries of a County project as early as possible in the Project Development phase.

Scope

This policy shall apply to all County projects involving the acquisition of real property including donations/gifts of real property. This policy shall not apply to Acquisition Leases, Irrevocable Offers of Dedication, Tax Foreclosures, or Easements.

NOTE: *While the policy does not presently extend to the acquisition of an interest in property through irrevocable offers of dedication, leases or easements, the following precautions shall nevertheless be taken before acquiring such interests:*

1. When acquiring an easement, and prior to acceptance of an irrevocable offer of dedication, a site inspection should be performed by a person able to recognize the potential for site contamination. If appropriate, further inquiry, such as review of records kept by the Department of Environmental Health (DEH) or interviewing adjacent property owners should also be conducted. In the event concerns over the potential contamination of the site remain, the Department acquiring the easement should consult with County Counsel and DEH before proceeding. Where appropriate, limitations on liability should be included in the acquisition documents.
2. When entering into leases, language limiting the County's liability should be included in the lease document.

Policy

All County projects involving the acquisition of real property are required to complete the "Transaction Screen Process" to establish the probability of finding hazardous materials within or near the boundaries of the project. The Transaction Screen Process should be performed as early as possible in the Project Development phase. For purposes of this policy, the American Society for Testing and Materials (ASTM) E 1528 – 00, "Standard Practice for Environmental Site Assessments: Transaction Screen Process" is to be used as the framework from which site reviews

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SUBJECT:	DRAFT - HAZARDOUS MATERIALS INVESTIGATIONS SITE ASSESSMENT AND MITIGATION PROCEDURES FOR ALL COUNTY DEPARTMENTS	ITEM NUMBER	0300-05
----------	---	----------------	----------------

EFFECTIVE DATE:	FEBRUARY 27, 2004 (REVISED)	PAGE	2 OF 4
-----------------	-----------------------------	------	---------------

are to be conducted. If the Transaction Screen Process indicates a probability that hazardous materials may be present on the site, then a decision shall be made on the extent of further inquiry.

In some cases, it may be more cost effective to skip the Transaction Screen Process and complete a Phase I Environmental Site Assessment.

Procedure

The requirements, responsibility and decision points for site assessment and mitigation shall be as follows:

1. A full preliminary site investigation, in substantial conformance with ASTM E 1528 – 00, "Standard Practice for Environmental Site Assessments: Transaction Screen Process", shall be conducted. The department's assigned project manager will complete and submit the following to the Department of Environmental Health (DEH), [Site Assessment and Mitigation Program](#) (SAM) for review and/or concurrence:
 - A. A Transaction Screen Questionnaire (TSQ) (Attachment A).
 - B. A Request for Review of Transaction Screen Information form including a map (Attachment B).
 - C. Appropriate funds based on the DEH Fee Schedule.
 - D. A Phase I Environmental Site Assessment in lieu of the Transaction Screen Questionnaire.
 - E. Commercial Government Records Search

DEH will review the above information, conduct the Records Search portion of the TSQ, and review the commercial government records search (Attachment A, Items 21 and 22). DEH shall have the option of doing further research and/or a site visit to verify the TSQ information. DEH will review the findings within three weeks of receipt of the required information. (NOTE: In some instances, a commercial government records search may take longer than three weeks to complete. Therefore, to expedite the project, departments have the option of arranging for a commercial government records search using a company approved for this service. This information must be forwarded to DEH in the review packet).

If DEH concurs with the project manager's finding that no further investigation into environmental conditions on the site is required for purposes of appropriate inquiry, DEH will state this in their report to the department's assigned project manager. The project manager will file the report with other environmental documents in the department's project file and proceed with whatever steps are necessary to complete the project.

**COUNTY OF SAN DIEGO
ADMINISTRATIVE MANUAL**

SUBJECT:	DRAFT - HAZARDOUS MATERIALS INVESTIGATIONS SITE ASSESSMENT AND MITIGATION PROCEDURES FOR ALL COUNTY DEPARTMENTS	ITEM NUMBER	0300-05
----------	---	----------------	----------------

EFFECTIVE DATE:	FEBRUARY 27, 2004 (REVISED)	PAGE	3 OF 4
-----------------	-----------------------------	------	---------------

2. If the TSQ reveals structures on the property, DEH will require the department's assigned project manager to submit that report to the Occupational Health Program (OHP). The OHP will review the report for determination of the asbestos and lead content of building materials for the structures. If it is determined that asbestos and lead content of building materials for the structures required assessment and/or mitigation, OHP will submit their recommendations to the assigned project manager for DEH.
3. If the project manager determines that further investigation is needed to assess the site conditions adequately, or if DEH determines the need for further investigation, the project manager will develop cost and time estimates for completing the required additional assessment and determine the anticipated effect on the project schedule and budget. The project manager will then review the cost and time estimates with the Director of the department administering the project.

After consulting with County Counsel, and his/her respective DCAO, the Department Director shall determine to either:

- a) Cancel the project because of high risk and/or the cost of further investigation;
- b) Continue with an additional assessment; or
- c) Continue with the project without further assessment because the risk the project presents is low, or because the project is of great public necessity, and the benefits of the project outweigh the potential risks.

If a decision is made to conduct either a Phase I or Phase II Site Assessment, the assessment will be conducted as set forth in sections 3 and 6. (NOTE: A Phase I is similar to the transaction screen process except that it must be performed by an environmental professional and it includes more extensive record review and research. A Phase II typically involves taking soil, water and/or air samples to determine their contaminant content, define the extent of contamination, or to verify that no contaminants are present or likely to be present. In some cases, it may be more cost effective to skip the Phase I Environmental Site Assessment and complete a Phase II Environmental Site Assessment.)

4. If the Director and the project manager determine that a full Phase I Environmental Site Assessment needs to be performed, it shall be performed in substantial conformance with ASTM E 1527 – 00, "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process". The project manager will arrange for the transfer of additional funds to the Site Assessment and Mitigation (SAM) Division of DEH, for the report preparation or provide a full Phase I Environmental Site Assessment evaluation in conformance with general standard listed in ASTM E 1527 - 00.
5. The project manager shall contract with a consultant capable of performing environmental site assessments for hazardous materials in accordance with ASTM E 1527 – 00, and the DEH, SAM Manual. Upon completion of the report, the project manager will submit the completed Phase I Environmental Site Assessment report to SAM, DEH, for review and comment.

**COUNTY OF SAN DIEGO
ADMINISTRATIVE MANUAL**

SUBJECT:	DRAFT - HAZARDOUS MATERIALS INVESTIGATIONS SITE ASSESSMENT AND MITIGATION PROCEDURES FOR ALL COUNTY DEPARTMENTS	ITEM NUMBER	0300-05
----------	---	----------------	----------------

EFFECTIVE DATE:	FEBRUARY 27, 2004 (REVISED)	PAGE	4 OF 4
-----------------	-----------------------------	------	---------------

6. SAM (based on its review of the Phase I Environmental Site Assessment report), will concur with the Phase I report recommendation or advise that additional work needs to be completed, and communicate this to the project manager.
7. If SAM's review concludes that a Phase II Environmental Site Assessment is required, then SAM will provide recommendations to the Director. The Director shall determine if it is feasible to continue with the acquisition of the property, in consultation with County Counsel and his/her DCAO. If the Director determines that a Phase II must be completed, then the Director shall acquisition an environmental contractor or consultant to develop a workplan for the Phase II and perform the Phase II
8. Prior to proposing a Phase II Environmental Site Assessment of the property site, the Director, with input from SAM, will submit for the Board of Supervisors' approval, a plan to proceed with a Phase II Environmental Site Assessment.

The Board letter will identify the department's need for acquisition of the property site, and advise on the potential for contamination on the property, and potential impacts this will have on the final purchase price of the property. The Board letter shall be coordinated with and concurred by County Counsel, Department of Environmental Health, and Real Property Division, Department of General Services (DGS).

9. Upon Board approval to conduct a Phase II Environmental Site Assessment, the project manager (in adhering to all applicable Board/County policies and procedures relevant to consultant services), shall contract with a consultant capable of performing the services and shall coordinate the scope of work and analysis of the results of the Phase II Environmental Site Assessment with SAM.
10. Upon completion of the Phase II Environmental Site Assessment, the project manager shall submit the Phase II Environmental Site Assessment report to SAM for their review, evaluation and recommendation. If SAM's review concludes that remedial activities are required, then SAM will provide recommendations to the Director.
11. Upon review of the results of the Phase II Environmental Site Assessment, the Director and project manager, with input from SAM, shall determine if it is feasible to continue with acquisition of the property. If contamination of the site is identified in the Phase II Environmental Site Assessment, the project manager shall coordinate with SAM to determine the actions necessary to remediate contamination of the site. The project manager shall contract with a consultant to perform the remediation services, and shall arrange for additional funds, as required, to be transferred to SAM to provide direction and oversight of the cleanup activities.

Upon completion of the remediation, SAM will provide the project manager with a recommendation regarding the success of the remediation actions. If the recommendation is that the property appears to meet the approval of all appropriate agencies, the project manager will file the report with other environmental documents in the department's project file and proceed with whatever steps are necessary to complete the acquisition.

**COUNTY OF SAN DIEGO
ADMINISTRATIVE MANUAL**

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----------	--	----------------	----------------

EFFECTIVE DATE:	FEBRUARY 27, 2004 (REVISED)	PAGE	5 OF 4
-----------------	-----------------------------	------	---------------

General Guidelines

No environmental site assessment can wholly eliminate uncertainty regarding the potential for the presence of hazardous substances in connection with a property. Performance of ASTM E 1527 – 00 or ASTM E 1528 – 00 is intended to reduce but not eliminate uncertainty regarding the existence of hazardous materials in connection with a property, and both practices recognize reasonable limits of time and cost. Additionally, appropriate inquiry does not mean an exhaustive assessment of a property to determine if it is clean. The level of environmental inquiry that is appropriate cannot be the same for every property or every party to a real estate transaction. Common sense is a useful guide in following this policy. Some commercial and industrial properties routinely undergo, in the exercise of good commercial and customary practices, intrusive sampling. Others may need no specialized inquiry whatsoever. At any point in using the above procedure, County departments are encouraged to consult with and obtain the expertise of SAM Program and/or OHP of the Department of Environmental Health.

Approved

Chief Administrative Officer

Responsible Department(s)

1. Environmental Health
2. County Counsel
3. General Services
4. Public Works
5. Parks and Recreation
6. Housing and Community Development

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